



Order Filed on February 2, 2018  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

MCC4795  
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ATTORNEYS FOR DEBTORS

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

IN RE:

Chapter 13

**Darryl B. Monticello**

Case No.: **16-25565(KCF)**

Hearing Date:

**ORDER AUTHORIZING LOAN MODIFICATION  
ON DEBTOR'S REAL PROPERTY**

The relief set forth on the following pages, numbered two (2) through two (2) is hereby **ORDERED**.

**DATED: February 2, 2018**

  
Honorable Kathryn C. Ferguson  
United States Bankruptcy Judge

(Page 2)

Debtor(s): **Darryl B. Monticello**

Case No.: **16-25565 (KCF)**

Caption of Order: **Order Authorizing Loan Modification of Debtor's Real Property**

THIS MATTER having come before the Court on the debtor's Application to Approve the Loan Modification, and the Court having considered the debtor's application and any opposition thereto, and good and sufficient cause appearing there from for the entry of this order, it is hereby

**ORDERED** that the debtor(s) be and hereby are allowed to modify the mortgage on real property located at 419 Arbutus Drive, Point Pleasant, New Jersey pursuant to the terms outlined in the debtor's certification in support of the application; and it is further

**ORDERED** that the Debtor is granted approval to enter into a permanent loan modification.

**ORDERED** that the debtor's shall continue to make payments under the Plan as proposed or confirmed

**ORDERED** that communications and/or negotiations between debtor and mortgagee/mortgage servicer regarding loss mitigation or loan modification shall not be deemed a violation of the automatic stay

**ORDERED** that the Chapter 13 Trustee shall suspend disbursements to secured creditor pending completion of loan modification.

**ORDERED** that in the event the modification is not consummated, the Secured Creditor shall notify the Trustee and the Debtor's attorney of same.

**ORDERED** that if post-petition arrears are capitalized into the loan modification, secured creditor shall file an amended post-petition order within thirty (30) days from the date the loan modification is finalized. Upon receipt of an amended post-petition order, the Trustee may disburse the funds being reserved pursuant to this order to other creditors in accordance with the provisions of the confirmed Plan; And

**ORDERED** that the Debtors shall file an amended Schedule J and Modified Plan within twenty (20) days of this Order.

**Certificate of Notice Page 3 of 3**  
United States Bankruptcy Court  
District of New Jersey

In re:  
Darryl B. Monticello  
Debtor

Case No. 16-25565-KCF  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Feb 02, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 04, 2018.

db Darryl B. Monticello, 419 Arbutus Dr, Point Pleasant Beach, NJ 08742-3102

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Feb 04, 2018

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 2, 2018 at the address(es) listed below:

Albert Russo docs@russotrustee.com

Denise E. Carlon on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK,  
SOLELY AS TRUSTEE HEREUNDER AND NOT IN ITS INDIVIDUAL CAPACITY FOR THE BENEFIT OF THE  
CERTIFICATEHOLDERS OF THE CWABS INC., ASSET-BACKED CERTIFICAT dcarlon@kmlawgroup.com,  
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mortoncraigecf@gmail.com

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mortoncraigecf@gmail.com

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docs@caponeandkeefe.com

Rebecca Ann Solarz on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK,  
SOLELY AS TRUSTEE HEREUNDER AND NOT IN ITS INDIVIDUAL CAPACITY FOR THE BENEFIT OF THE  
CERTIFICATEHOLDERS OF THE CWABS INC., ASSET-BACKED CERTIFICAT rsolarz@kmlawgroup.com

TOTAL: 6